

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM J. WEBB, JR.,	§
	§ No. 337, 2022
Petitioner Below,	§
Appellant,	§ Court Below: Superior Court
	§ of the State of Delaware
v.	§
	§ C.A. No. N22M-08-078 (N)
STATE OF DELAWARE,	§ Cr. ID Nos. 1902015015,
	§ 1906000296, 1904001943
Respondent Below,	§
Appellee.	§

Submitted: January 11, 2023

Decided: February 13, 2023

Before **SEITZ**, Chief Justice; **VALIHURA** and **VAUGHN**, Justices.

ORDER

After consideration of the appellant's opening brief, the appellee's motion to affirm and the record below, the Court concludes that:

(1) The appellant, William J. Webb, Jr., filed this appeal from the Superior Court's denial of his petition for a writ of habeas corpus. The State of Delaware has filed a motion to affirm the judgment below on the ground that it is manifest on the face of Webb's opening brief that his appeal is without merit. We agree and affirm.

(2) In June 2019 and July 2020, a grand jury indicted and reindicted Webb on multiple criminal charges in Cr. ID Nos. 1902015015, 190600296, and 1904001943. The charges included stalking, harassment, and breach of release. On

May 13, 2022, a Superior Court jury found Webb guilty of stalking, act of intimidation, criminal contempt, and multiple charges of breach of release.

(3) On August 16, 2022, Webb filed a petition for a writ of habeas corpus in the Superior Court. On August 19, 2022, the Superior Court denied the petition, finding Webb was legally detained. This appeal followed. While this appeal was pending, the Superior Court granted the State's habitual offender petition and sentenced Webb to seventy-six years of Level V incarceration, suspended after twenty-five years for decreasing levels of supervision.

(4) In his opening brief, Webb argues, as he did below, that the Superior Court lacked jurisdiction to convict and sentence him because some of the crimes were committed in Sussex County, not New Castle County, and some of the crimes were misdemeanors. He also contends that the bail imposed was excessive, the Superior Court judge was biased, and his right to speedy trial was violated. We do not consider the other claims that Webb raised below, but did not argue in his opening brief.¹

¹ Supr. Ct. R. 14(b)(vi)(A)(3) ("The merits of any argument that is not raised in the body of the opening brief shall be deemed waived and will not be considered by the Court on appeal."); *Murphy v. State*, 632 A.2d 1150, 1152 (Del. 1993) (recognizing that the failure to raise a legal issue in an opening brief generally constitutes a waiver). In his habeas corpus petition, Webb also argued that his counsel had a conflict of interest, there was prosecutorial misconduct, and he was deprived of his right to a fair trial.

(5) Under Delaware law, the writ of habeas corpus provides relief on a very limited basis.² Habeas corpus only “provides an opportunity for one illegally confined or incarcerated to obtain judicial review of the jurisdiction of the court ordering the commitment.”³ Where the commitment is regular on its face and the court clearly had jurisdiction over the subject matter, habeas corpus does not afford a remedy to the petitioner.⁴

(6) The Superior Court did not err in denying Webb’s petition. Webb was lawfully detained in default of bail and is presently incarcerated in accordance with a Superior Court sentencing order. Webb has not shown that the Superior Court lacked jurisdiction over the charges or any irregularity in his commitment.

(7) The Superior Court has “jurisdiction, original and concurrent, over all crimes, except when jurisdiction is exclusively vested in another court.”⁵ Webb contends that some of the crimes did not occur in New Castle County, but “[w]hen two or more offenses that may be charged in the same indictment or information pursuant to Rule 8(a) are alleged to have been committed in more than one county, the prosecution may be had in any county in which one or more offenses is alleged

² *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

³ *Id.*. See also 10 Del. C. § 6902(1) (providing that habeas corpus relief is not available to those who are “committed or detained on a charge of treason or felony, the species whereof is plainly and fully set forth in the commitment”).

⁴ *Jones v. Anderson*, 183 A.2d 177, 178 (Del. 1962); *Curran v. Woolley*, 104 A.2d 771, 773-74 (Del. 1954).

⁵ 11 Del. C. § 2701(c). See also Del. Const. art. IV, § 7; 10 Del. C. § 541.

to have been committed.”⁶ As to his remaining claims, Webb “may not use a petition for a writ of habeas corpus as a substitute for a timely-filed appeal.”⁷

NOW, THEREFORE, IT IS ORDERED that the Motion to Affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Karen L. Valihura
Justice

⁶ Super. Ct. Crim R. 18.

⁷ *Johnson v. State*, 2013 WL 6044393, at *2 (Del. Nov. 13, 2013) (citing *In re Barbee*, 693 A.2d 317, 319 (Del. 1997)).